

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NUMEREX CORP.,

Plaintiff,

- against -

SCOTT ROSENZWEIG and GARY NADEN,

Defendants.

08 Civ. 6233 (LAK)

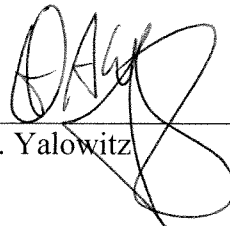
**DECLARATION OF SERVICE**

Kent A. Yalowitz being duly sworn deposes and says:

1. I am a member of the Bar of this Court and of the Law Firm of Arnold & Porter LLP, counsel for the plaintiff.
2. On July 16, 2008 I caused to be served by electronic transmission true and correct copies of the Summons and Complaint in the above-captioned action to Howard Kaplan, Esq., counsel for defendants.
3. As evidenced by the emails attached hereto as Exhibit A, Mr. Kaplan accepted service on behalf of the defendants.

I declare that the foregoing is true under penalty of perjury.

Dated: New York, New York  
August 1, 2008

  
\_\_\_\_\_  
Kent A. Yalowitz



"Howard J. Kaplan"  
<hkaplan@arkin-law.com>

07/22/2008 11:35 AM

To <Kent\_Yalowitz@aporter.com>  
cc "Justin Sher" <JSher@arkin-law.com>  
bcc

Subject RE: Numerex Corp. v. Rosenweig and Nayden (S.D.N.Y. No. 08-cv-6233)

History: This message has been replied to.

Kent, we will accept service, assuming you give us 30 days to respond.

-----Original Message-----

From: Kent\_Yalowitz@aporter.com [mailto:Kent\_Yalowitz@aporter.com]  
Sent: Monday, July 21, 2008 6:14 PM  
To: Howard J. Kaplan  
Cc: Justin Sher  
Subject: Re: Numerex Corp. v. Rosenweig and Nayden (S.D.N.Y. No. 08-cv-6233)

Howard. Are you authorized to accept service? If not, we will follow Rule 4, because we need to get the case moving.

"Howard J.  
Kaplan"  
<hkaplan@arkin-  
law.com>

07/15/2008  
07:41 PM

To  
<Kent\_Yalowitz@aporter.com>  
cc

"Justin Sher"  
<JSher@arkin-law.com>

Subject  
Re: Numerex Corp. v. Rosenweig  
and Nayden (S.D.N.Y. No.  
08-cv-6233)

Kent, please send me the complaint and we will advise regarding service.

---

Howard J. Kaplan | Arkin Kaplan LLP | 590 Madison Avenue, New York, NY 10022 | direct: 212 333 0219 | main: 212 333 0200 | fax: 212 333 0246 | hkaplan@arkin-law.com | <http://www.arkin-law.com>

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----- Original Message -----

From: Kent\_Yalowitz@aporter.com <Kent\_Yalowitz@aporter.com>  
To: Howard J. Kaplan; Justin Sher  
Cc: Andrew J. Ryan <ar@salisburyryan.com>; Brandon\_Cowart@aporter.com  
<Brandon\_Cowart@aporter.com>; Anthony\_Boccanfuso@aporter.com  
<Anthony\_Boccanfuso@aporter.com>  
Sent: Tue Jul 15 19:27:27 2008  
Subject: Numerex Corp. v. Rosenweig and Nayden (S.D.N.Y. No. 08-cv-6233)

Howard and Justin:

I am sorry that we have been unable to speak directly. I will be in court all day tomorrow. I wanted to let you know that Numerex commenced an action against Rosenzweig and Nayden and ask whether you will accept service. Let me know your preference.

Best,

Kent

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Kent Yalowitz	Kent_Yalowitz@aporter.com
Arnold & Porter LLP	Telephone: 212-715-1113
399 Park Avenue	Fax: 212-715-1399
New York, NY 10022-4690	

For more information about Arnold & Porter LLP, click here:  
<http://www.arnoldporter.com>

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<http://www.arnoldporter.com>

Anthony  
Boccanfuso/Spec/NY/ArnoldA  
ndPorter  
NY - 3308 212-715-1315  
07/16/2008 05:25 PM

To Kent Yalowitz/Atty/NY/ArnoldAndPorter@APORTER  
cc "Brandon Cowart" <Brandon\_Cowart@aporter.com>,  
"Howard J. Kaplan" <hkaplan@arkin-law.com>, "Justin Sher"  
<JSher@arkin-law.com>  
bcc  
Subject Re: Numerex Corp. v. Rosenweig and Nayden (S.D.N.Y. No.  
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Civil Cover Sheet.pdf Corporate Disclosure Statement.pdf Complaint.pdf Summons.pdf  
Kent Yalowitz/Atty/NY/ArnoldAndPorter

Kent  
Yalowitz/Atty/NY/ArnoldAndPo  
rter

07/15/2008 08:19 PM

To "Howard J. Kaplan" <hkaplan@arkin-law.com>  
cc "Justin Sher" <JSher@arkin-law.com>, "Anthony  
Boccanfuso" <Anthony\_Boccanfuso@aporter.com>,  
"Brandon Cowart" <Brandon\_Cowart@aporter.com>  
Subject Re: Numerex Corp. v. Rosenweig and Nayden (S.D.N.Y. No.  
08-cv-6233)

Howard:

I will be in court tomorrow. Someone from my shop will get you a copy of the  
Complaint by email.

Best,

Kent

----- Original Message -----

From: "Howard J. Kaplan" [hkaplan@arkin-law.com]  
Sent: 07/15/2008 07:41 PM  
To: <Kent\_Yalowitz@aporter.com>  
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